

O I P E
FEB 22 2002
Attorney Docket No. INBI-007/04US
8067-113-999 REMAILED OFFICE

Rec'd

PATENT

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on February 4, 2002.

By: *Vikki L. Athen*
Vikki L. Athen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of BORDERS et al.

Serial No.: 09/904,352

Examiner: Not Yet Assigned

Confirmation No. 2880

Art Unit: 1653

Filed: July 13, 2001

For: DERIVATIVES OF LASPARTOMYCIN AND PREPARATION AND USE THEREOF

Office of Initial Patent Examination's Customer Service Center
Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

Attached is a copy of the Official Filing Receipt received from the Patent and Trademark Office in the above-identified application for which issuance of a corrected filing receipt is respectfully requested.

The error to be corrected is as follows:

The "Continuing Data as Claimed by Applicant" section incorrectly claims priority. The application is a CIP of 09/760,328 01/12/2001 which claims the benefit of 60/219,059 07/17/2000 and claims benefit of 60/220,950 07/26/2000. The "Continuing Data as Claimed by Applicant" section should be corrected to reflect this. This is evidenced by the language used by Applicants in their Preliminary Amendment, a copy of which is enclosed.

U.S. PAT. & T.M. OFFICE
U.S. GOVERNMENT
BY 2002 CP

[x] The correction is required due to Applicant's error and a check including the amount of \$25.00 is enclosed to cover the fee under 37 CFR 1.1 9(h).

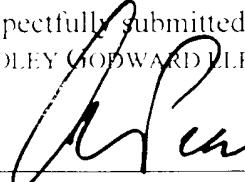
The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication or credit any overpayment to Deposit Account 03-3117:

- [X] Any national application filing fees under 37 CFR 1.16.
[X] Any patent application processing fees under 37 CFR 1.17.

A duplicate copy of this sheet is attached for accounting purposes.

Cooley Godward LLP
Attn: Patent Group
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306-2155
Tel: (650) 843-5000
Fax: (650) 857-0663

By:

Respectfully submitted,
COOLEY GODWARD LLP

Ann M. Caviani Pease
Reg. No. 42,067



FEB 27 2002

RECEIVED
U.S. PATENT & TRADEMARK OFFICE
FILEDPage 1 of 2
INB1-007/04US
AMP

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20591
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/904,352	07/13/2001	1653	1323	8067-113-999		79	6

20583
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

CONFIRMATION NO. 2880
UPDATED FILING RECEIPT

OC00000006909091

Date Mailed: 10/15/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Donald B. Borders, Suffern, NY;
William V. Curran, Pearl River, NY;
Amedeo A. Fantini, New City, NY;
Noreen D. Francis, Harriman, NY;
Howard Jarolmen, Fair Lawn, NJ;
Richard A. Reese, Suffern, NY.

RECEIVED

RECEIVED

TECH CEN

TECH CEN

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CI OF 09/760,328 01/2/2001
WHICH CLAIMS BENEFIT OF 60/210,065 07/10/2000 * 60/219,059 07/17/2000
AND CLAIMS BENEFIT OF 60/220,950 07/26/2000

(*) Data inconsistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted 08/02/2001

RECEIVED
U.S. PATENT & TRADEMARK OFFICE
8/2001

Projected Publication Date: 01/24/2002

8/2001

Non-Publication Request: No

8/2001

Early Publication Request: No

RECEIVED
U.S. PATENT & TRADEMARK OFFICE
8/2001

** SMALL ENTITY **

RECEIVED

COOLEY GOUARD LLP

Title

Derivatives of laspartomycin and preparation and use thereof

Preliminary Class

514

REC

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

VIA
TECH CTR

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).